

**OPINION
45-288**

January 24, 1945(OPINION)

TEACHERS' RETIREMENT

RE: Chapter 15-39 - Teachers' Retirement Fund

Before anyone is entitled to participate in the Teachers' Retirement Fund, they must have completed twenty-five years teaching, eighteen of which years must have been in the schools of North Dakota, and the five last years must have been in the schools of North Dakota. Further, before anyone is entitled to participate in the fund, they must have been paying into the fund for twenty-five years, or if they have not been a member of the fund for that length of time, they must pay into the fund an amount which would make the total payments equal to what they would have paid, had they been a member for twenty-five years. Therefore, some of these additional payments would in the earlier years necessarily cover assessments for years taught prior to the establishment of the fund. For instance, a person joining the fund at its beginning, might in ten years thereafter have completed twenty-five years of teaching and be entitled to participate in the fund. But no one can participate in the fund until they have paid into the fund the equivalent of twenty-five years of assessments.

NELS G. JOHNSON
Attorney General